

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA**

BOBBY AYERS,

Plaintiff,

v.

SERGEANT VASQUEZ and OFFICER
HUDSON,

Defendants.

Case No. 1:24-cv-01301 JLT HBK (PC)

ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS, DISMISSING THE
ACTION WITH PREJUDICE, AND
DIRECTING THE CLERK OF COURT TO
CLOSE THE CASE

(Doc. 21)

Bobby Ayers seeks to hold Sergeant Vasquez and Officer Hudson liable for violations of his civil rights while housed at the California Correctional Institute- Tehachapi. (*See* Doc. 20.) The magistrate judge screened Plaintiff's third amended complaint pursuant to 28 U.S.C. § 1915A and found he failed to allege facts sufficient to support a claim. (Doc. 21 at 5-7.) The magistrate judge observed that despite being provided the applicable legal standards in prior screening orders, the third amended complaint "suffers from many of the same pleading deficiencies identified." (*Id.* at 7.) Therefore, the magistrate judge found that further leave to amend was futile and recommended the Court dismiss the action for failure to state a claim. (*Id.*)

The Court served the Findings and Recommendations on Plaintiff and notified him that any objections were due within 14 days. (Doc. 21 at 7.) The Court advised him that the "failure to file any objections within the specified time may result in the waiver of certain rights on appeal." (*Id.*, citing *Wilkerson v. Wheeler*, 772 F.3d 834, 838-39 (9th Cir. 2014).) Plaintiff did

1 not file objections, and the time to do so has passed.

2 According to 28 U.S.C. § 636(b)(1), this Court performed a *de novo* review of this case.
3 Having carefully reviewed the matter, the Court concludes the Findings and Recommendations
4 are supported by the record and proper analysis. Thus, the Court **ORDERS**:

- 5 1. The Findings and Recommendations dated on July 3, 2025 (Doc. 21) are
6 **ADOPTED** in full.
- 7 2. Plaintiff's third amended complaint (Doc. 20) is **DISMISSED** without leave to
8 amend.
- 9 3. The action is **DISMISSED** with prejudice for failure to state a claim.
- 10 4. The Clerk of Court shall close this case.

11
12 IT IS SO ORDERED.

13 Dated: **July 31, 2025**


UNITED STATES DISTRICT JUDGE